

Armen Kiramijyan, Esq. (SBN 276723)
 Lead Attorney for Plaintiff
 KAASS LAW
 313 East Broadway, #944
 Glendale, California 91209
 Telephone: 310.943.1171
 akiramijyan@kaass.com

Hovsep Hovsepyan, Esq. (SBN 308522)
 Attorney for Plaintiff
 KAASS LAW
 313 East Broadway, #944
 Glendale, California 91209
 Telephone: 310.943.1171
 hhovsepyan@kaass.com

**UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA**

VIOLETTA MAILYAN, an individual,) on behalf of herself and all others) similarly situated;) <div style="text-align: right;">Plaintiffs,)</div> <div style="text-align: center;">v.)</div> APPLE INC., a California corporation;) and DOES 1-100, inclusive;) <div style="text-align: right;">Defendants.)</div>	Case No.: CLASS ACTION ALLEGATION COMPLAINT 1. Fraud through Concealment 2. Unfair Competition under California Business and Professions Code § 17200 et seq. JURY TRIAL DEMANDED
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Violetta Mailyan (collectively “Plaintiff”), individually and on behalf of a class of all similarly situated (“Class”) asserts the following claims against Apple Inc. (“Defendant”) and in support thereof, states as follows:

PARTIES

1. Plaintiff is an individual who at all times relevant herein resided in the State of California, County of Los Angeles.

1 the performance of older iPhone models.

2 10. On December 20, 2017, Defendant admitted that it intentionally slowed
3 down the operating speed of older iPhones.

4 11. In its official statement Defendant declared:

5 “Our goal is to deliver the best experience for customers, which includes overall
6 performance and prolonging the life of their devices. Lithium-ion batteries
7 become less capable of supplying peak current demands when in cold
8 conditions, have a low battery charge or as they age over time, which can result
9 in the device unexpectedly shutting down to protect its electronic components.

10 Last year we released a feature for iPhone 6, iPhone 6s and iPhone SE to smooth
11 out the instantaneous peaks only when needed to prevent the device from
12 unexpectedly shutting down during these conditions. We’ve now extended that
13 feature to iPhone 7 with iOS 11.2, and plan to add support for other products in
14 the future.”

15 12. Defendant’s statement was released in response to a report by Primate
16 Labs stating that the processors in iPhones slow down and decrease in performance as
17 batteries age and lose capacity.

18 13. Defendant’s iOS updates never informed Plaintiff and Class that
19 Defendant was purposefully slowing down the operation of their devices.

20 14. When Plaintiff and Class bought their iPhones they were expecting that
21 their iPhones would work properly, and that the performance of their iPhones would
22 not slow down for unapparent reasons.

23 15. Defendant’s iOS updates were engineered to intentionally slow down the
24 performance speed of older iPhone models.

25 16. Defendant’s iOS updates never disclosed that the slowdown in older
26 iPhone models might be remedied by replacing the battery in these devices or by
27 avoiding the download of iOS updates.

28 17. Plaintiff and Class noticed remarkable slowdowns in the operation of their

1 iPhones before and after downloading iOS updates.

2 18. Defendant's intentional slowdown of the performance of older models of
3 iPhones greatly diminished the effectiveness, usefulness and utility of these devices.

4 19. As a result of the slowdown of the performance of their older iPhone
5 models, Plaintiff and Class bought newer iPhone models in order to have a properly
6 functioning smartphone.

7 20. Plaintiff and Class lost value of older iPhone models because of the
8 slowdown of performance. Plaintiff and Class expended money to purchase newer
9 iPhone models in order to avoid the slowdown of their older iPhone models.

10 21. The slowdown of older iPhone models was material in impact, thus
11 prompting Plaintiff and Class to purchase newer iPhone models to avoid the
12 slowdown.

13 22. If Plaintiff and Class knew that the performance of their iPhones would
14 slow down after the introduction of a new iPhone model or an iOS update, they would
15 not purchase an iPhone.

16 23. If Plaintiff and Class knew that the slow performance of their iPhones
17 could be remedied by purchasing a new battery, they would buy a new battery instead
18 of a new iPhone model.

19 24. If Plaintiff and Class knew that the slow performance of their iPhone
20 could be avoided by refusing to download the iOS update, they would not buy a new
21 iPhone model.

22 25. Defendant knew and intentionally failed to disclose that it was
23 purposefully slowing down the performance of older iPhones models and that the
24 slowdown could be remedied by purchasing a new battery, by avoiding to download
25 the iOS update or otherwise.

26 26. Prior to the purchase of their newer iPhone models, Defendant never
27 informed Plaintiff and Class that the performance of their old iPhone models could be
28 improved by purchasing a new battery.

1 limited to, the following: whether Defendant intentionally slowed down the
2 performance of older iPhone models through iOS updates or otherwise; whether
3 Defendant intentionally concealed material information from Class members; whether
4 Defendant's conduct was the direct and proximate cause of the damages suffered by
5 Class members; whether the Plaintiff and Class suffered monetary damages as a result
6 of Defendant's conduct; whether Defendant violated California Business and
7 Professions Code §17200 et seq.; whether punitive damages should be awarded to
8 Plaintiff and Class.

9 37. Plaintiffs' claims are typical of the claims of the Class. Each member of
10 the Class had to buy a newer iPhone model because the performance of their older
11 iPhone model had slowed down as a result of Defendant's purposeful conduct. Each
12 member of Class was denied the use, utility and value of the older iPhone model
13 because of the slowdown of performance. The injuries of the Plaintiff and Class are
14 identical, and Plaintiff's claims for relief are based upon the same legal theories as the
15 claims of other Class members.

16 38. Plaintiff will fairly and adequately protect and represent the interests of
17 the Class because her claims are typical of the claims of the Class, she is represented
18 by locally respected attorneys who have experience handling consumer litigation, who
19 are qualified and competent, and who will vigorously prosecute this litigation, and her
20 interests are not antagonistic or in conflict with the interest of the Class.

21 39. A class action is superior to all other available methods for the fair and
22 efficient adjudication of this lawsuit because individual litigation of the other Class
23 members' claims is economically unfeasible and procedurally impracticable. Litigating
24 the claims of the Class together will prevent varying, inconsistent, or contradictory
25 judgments, and will prevent delay and unnecessary expense to the parties and the
26 courts. A class action will be an efficient method of adjudicating the claims of the
27 Class members who have suffered relatively small damages as a result of the same
28 conduct of Defendant.

FIRST COUNT

(Fraud through Concealment)

40. Plaintiff incorporates and realleges all allegations set forth in paragraphs 1 to 39.

41. Defendant intentionally failed to disclose to Plaintiff and similarly situated class members that Defendant was purposefully slowing down the performance of older iPhone models through iOS updates or otherwise.

42. Defendant intentionally failed to disclose that the slow performance of older iPhone models could be remedied by purchasing a new battery or otherwise.

43. Only Defendant knew that it was purposefully slowing down the performance of older iPhone models and that the slow performance of older iPhone models could be remedied by purchasing a new battery or otherwise.

44. Plaintiff and similarly situated Class members did not know and could not have discovered that Defendant was purposefully slowing down the performance of older iPhone models and that the slow performance of older iPhone models could be remedied by purchasing a new battery or otherwise.

45. Defendant intended to deceive Plaintiff and Class by concealing the fact that it was purposefully slowing down the performance of older iPhone models and that the slow performance of older iPhone models could be remedied by purchasing a new battery or otherwise.

46. If Defendant disclosed that it would purposefully slow down the performance of older iPhone models Plaintiff and Class would not buy these iPhone models. Further, if Defendant disclosed that the slow performance of older iPhone models could be remedied by purchasing a new battery, Plaintiff and similarly situated Class members would buy a new battery instead of buying a newer iPhone model.

47. Plaintiff and similarly situated Class members suffered damages because they bought newer iPhone models as a result of the slow performance of their older iPhones models caused by Defendant's conduct.

48. Defendant's concealment of the fact that it was purposefully slowing down the performance of older iPhone models and that the slow performance of older iPhone models could be remedied by purchasing a new battery or by avoiding the download of the iOS update was a substantial factor in causing damages to Plaintiff and Class.

49. Defendant's conduct was intentional and malicious, causing damages to Plaintiff and Class.

COUNT TWO

(Unfair Competition under

California Business and Professions Code § 17200 et seq.)

50. Plaintiff incorporates and realleges all allegations set forth in paragraphs 1 to 39.

51. Pursuant to California Business and Professions Code § 17200, unfair competition shall mean and include any unlawful, unfair or fraudulent business act or practice.

52. Defendant's above described conduct was unfair and fraudulent because Defendant purposefully slowed down the performance of older iPhone models through iOS updates or otherwise.

53. As a result of Defendant's unfair and fraudulent business practices, Plaintiff and Class suffered damages because they had to purchase a newer iPhone model in order to replace their slow older model.

54. Defendant's conduct was intentional and malicious.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, individually and on behalf of the proposed Class, respectfully request that the Court enter judgment in their favor as follows:

1. Certifying the Class under Fed. R. Civ. P. 23 and appointing Plaintiff and her counsel to represent the class;
2. Awarding Plaintiff and the Class monetary damages as allowable by law;

3. Awarding Plaintiff and the Class appropriate equitable relief;
4. Awarding attorneys' fees, costs and litigation expenses, as allowable by law;
5. Awarding punitive damages as allowable by law;
6. Awarding all such further relief as allowable by law.

JURY TRIAL DEMANDED

Plaintiff, on behalf of herself and the Class, demands a trial by jury on all triable issues.

DATED: December 23, 2017

KAASS LAW

By: /s/ Armen Kiramijyan
Armen Kiramijyan, Esq.
Lead Attorney for Plaintiff

Hovsep Hovsepyan, Esq.
Attorney for Plaintiff